



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**URGENT MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

February 19, 2016

Roberto Lopez, Facilities Director  
Zotos International, Incorporated  
100 Tokeneke Road  
Darien CT, 06820-1005.

Re: **NOTICE OF VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 of the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. ii 6622(a) and 6924(d) through (m) and Connecticut's Public Act 89-373 and it's implementing hazardous waste management regulations 22a-449(c)-100 through 110 and 22a-449(c)-11.

Dear Mr. Lopez:

On November 18, 2014, representatives of the United States Environmental Protection Agency ("EPA") conducted a compliance inspection at Zotos International, Incorporated, located in Darien, CT (Zotos). The purpose of this inspection was to determine Zotos' compliance with the federal hazardous waste regulations promulgated under the Resource Conservation and Recovery Act, as amended, 42 U.S.C. ii 6909-6987 ("RCRA"), at 40 C.F.R. Parts 260-272, and the Connecticut Hazardous Waste Management Regulations included in the Regulations of Connecticut State Agencies (RCSA), Sections 22a-449(c)-100 through 110 and 22a-449(c)-11.

As a result of the inspections, EPA has determined that your facility violated certain provisions of the RCRA regulations, promulgated at 40 C.F.R. 260 through 272, and the RCSA 22a-449(c)-100 through 110 and 22a-449(c)-11. The specific violations are set forth below:

**1. Failure to make adequate hazardous waste determinations.**

(a) Provision Violated - RCSA Section 22a-449(c)-102(a)(1) [40 C.F.R. § 262.11, § 262.40(c)].

At the time of the inspection EPA personnel observed the following containers identified as waste, but the contents had not been properly evaluated to determine if they contained hazardous waste:

1. Located in Lab #5, Product Development

The inspection team observed the following containers located in a cabinet marked as "waste":

- i. Two open boxes, one marked as "aerosol waste" flammable, and one unmarked. Each box held approximately 20 aerosol containers. The cans all felt full and were all marked as "laboratory sample". Rushi Tasker (RT,) Vice President of Research and Development, stated that these cans are wastes now, but that Zotos would ship them to their production facility in Geneva NY, where they would be managed as waste on-site by "de-gassing and shredding".
- ii. One approximately 5-gallon bucket marked only as butylene glycol, "waste to be lab-packed".
- iii. One approximately 4-liter container identified by David Erlinghouse (DE,), Safety Coordinator and Chemist, as bad fragrance that was waiting to be lab-packed and shipped off-site.

2. Located in Hood #1 in Lab #3, hair color, permanent waves, straighteners

- i. One 5-gallon container marked as neutralizer waste, approximately 1/2-full. This container was also marked as an oxidizer, 5.1;
- ii. Two small boxes with hazardous waste labels. DE identified the contents as expired raw materials; and
- iii. One 1-liter container marked only as "do not use, out of spec 11/14, to be dumped".

3. Located in a cabinet underneath Hood #2 in Lab #3

- i. One approximately 5-gallon container marked as waste, containing one approximately 1-liter container marked only as "do not use, out of spec, 11/14, to be dumped, #70686."

4. Underneath a bench cabinet located in Lab #2-Wet Chemistry, the inspection team observed:

- i. One 1-liter container marked only as dimethyl sulfoxide, identified by DE as waste;
- ii. One 1-liter container marked as 20% hydrochloric acid, dated 2/14, identified by DE as waste; and
- iii. Various small containers, identified by DE as wastes that need to be lab-packed;

5. Under a Fume Hood, located in Lab #2-Wet Chemistry, the inspection team observed:

- i. one 4-liter container marked only as methylene chloride. DE identified the contents in the container as waste.

**2. Failure to ensure that satellite accumulation containers are stored at or near the point of generation, and under the control of the operator generating the waste.**

(a) Provision Violated - RCSA Section 22a-449(c)-102(c) [40 C.F.R. § 262.34(c)(1)].

i. At the time of the inspection the inspection team learned that that Zotos generates hazardous waste formulations from hair coloring products in Lab #4-General Haircare/Conditioners and manages the container as a satellite storage area. But, Zotos also adds waste to this container from other labs that are not located at or near the point of generation in Lab #4.

**3. Failure to ensure that hazardous waste containers remain closed and sealed, unless actively adding or removing waste from the container.**

(a) Provision Violated – Provision Violated - RCSA Section 22a-449(c)-102(c) [40 C.F.R. § 262.34(c)(1)(i), which references C.F.R. § 265.173(a)].

i. Flammable Cabinet #1

One 55-gallon container marked as hazardous waste, but with no other information. This container was dated 8/15/14 and the open-top style drum top was not secured by any snap ring or other securing method. See above. The sign on the outside of the cabinet was marked as “contains ammonia and oxidative dyes”.

ii. Flammable Cabinet #3

One 55-gallon container marked as hazardous waste, 8/16/14, hydrogen peroxide. The open-top style drum top was not secured by any snap ring or other securing method.

iii. Flammable Cabinet #4

One 55-gallon container marked as hazardous waste, waving lotion waste dated 8/18/14. The open-top style drum top was not secured by any snap ring or other securing method.

iv. Lab #5, Product Development

One approximately 1-gallon bucket marked as alcohol liquid waste. The top on this container were not sealed, and was sitting on the top of the container; and

One approximately 5-gallon bucket marked only as butylene glycol, “waste to be lab-packed”. The top on this container was not sealed, and the top was sitting on the top of the container; and

**4. Failure to mark containers of hazardous waste with the words “hazardous waste”, and other words that identify the contents such as chemical name.**

(a) Provision Violated - RCSA 22a-449(c)- 102(a)(2)(J) RCSA Sections 22a-449(c)-102(c), which incorporates by reference 40 CFR §262.34( a)(3).

i. Under a Fume Hood in Lab located in Lab #2-Wet Chemistry,

Three 4-liter containers marked only as alcohol waste and one 4-liter container marked only as methylene chloride, identified by DE as waste.

ii. Lab #1-Analytical/shampoo-conditioner

a. One approximately ¾-full 5-gallon bucket marked only as alcohol waste. DE stated that the bucket contained waste alcohol-based products; and

b. Thirteen small (approximately 75-100ml) unlabeled containers that DE stated would be emptied into the 5-gallon container.

**5. Failure to record inspections in an inspection log or summary. These records must be kept for at least three years from the date of the inspection, as required by**

(a)-Provision Violated - RCSA Section 22a-449(c)-102(b)(2), which incorporates by reference 40 C.F.R. 265.15.

During the inspection, DE stated that he conducts weekly inspections at the Main HWSA on Friday, when the area is closing, but does not maintain written inspection logs to document completed inspections or what specific items were being evaluated during these inspections.

**6. Failure to post information at the telephone nearest to the hazardous waste storage area and failure to have spill control equipment at the Main HWSA.**

(a) Provision Violated - - RCSA Sections 22a-449(c)-102(c), which references 40 CFR §262.34(d).

At the time of the inspection, the following information was not posted at the hazardous waste storage area:

- i. the name and telephone number of the emergency coordinator
- ii. location of fire extinguishers, spill control material, and audible alarms
- iii. the telephone number of the local fire department.

**7. Failure to maintain an adequate emergency plan.**

(a) Provision Violated- RCSA Sections 22a-449(c)-102(c), which references 40 CFR §262.34(d).

At the time of the inspection, the inspection team requested any emergency planning documents that Zotos had prepared to respond to an emergency incident such, as a hazardous waste release or a fire at the facility. RL stated that the only document that existed was an Emergency Evacuation Procedure document. A copy was provided for review. This document only included information related to evacuating the facility in the event of a spill. The document did not include the following required information:

- i. a designation on primary and alternate emergency coordinators and their telephone numbers;
- ii. the location of fire and spill control equipment;
- iii. telephone number of local police, hospitals, fire and spill responders;
- iv. a description of the on-site emergency response capabilities; and
- v. spill and fire reporting requirements.

**ZOTOS IS HEREBY REQUIRED TO:**

**A. Immediately upon receipt of this NOTICE:**

1. Ensure that all satellite accumulation areas are at or near the point of generation, and under the control of the operator generating the waste as required by RCSA Section 22a-449(c)-102(c) [40 C.F.R. § 262.34(c)(1)].
2. Keep all containers of hazardous waste closed when waste is not being added or removed, as required by RCSA Section 22A-449 (c)-102(a)(1), which incorporates requirements at 40 C.F.R. i 262.34(a)(a)(i), which incorporates requirements at 40 C.F.R. I 265.173(a).
3. Label all containers of hazardous waste in compliance with Section 22a-449(c)-102(a)(2)(c) of the Connecticut Hazardous Waste Regulations, which references federal regulations at 40 C.F.R. i 262.34(a)(3).
4. Post the required emergency information at the telephone nearest to the hazardous waste storage area as required by RCSA Sections 22a-449(c)-102(c), which references 40 CFR §262.34(d).
5. Ensure that spill control equipment is located at the Main HWSA, and make sure the equipment is properly maintained, as required by RCSA Sections 22a-449(c)-102(c), which references 40 CFR §262.34(d).

**B. Within thirty (30) calendar days of receipt of this notice:**

1. Ensure that complete and accurate hazardous waste determinations are conducted at the time a material is determined to be a waste, as required by RCSA Section 22a-449(c)-102(a)(1) [40 C.F.R. § 262.11, § 262.40(c)].
2. Develop and follow a written schedule for inspecting hazardous waste storage areas, and ensure that these inspections are properly documented, as required by RCSA Sections 22a-449(c)-102(c), which references 40 CFR §262.34(a)(3), which references 40 CFR Subpart I of Part 265.
3. Develop and maintain an adequate emergency plan, as required by RCSA Sections 22a-449(c)-102(c), which references 40 CFR §262.34(d).

**C. Within thirty-five (35) calendar days of receipt of this notice:**

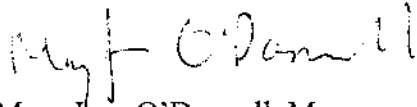
1. Submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations to:

**Andrew Meyer, Environmental Scientist  
U.S. Environmental Protection Agency  
5 Post Office Square (OES05-1)  
Boston, MA, 02109-3912**

Failure to correct the violations as required by this NOTICE may subject the facility to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. 16928.

If you have any questions regarding this NOTICE, please contact Andrew Meyer of the RCRA, EPCRA and Federal Programs Unit, at (617) 918-1755.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mary Jane O'Donnell". The signature is written in a cursive, flowing style.

Mary Jane O'Donnell, Manager  
RCRA, EPCRA and Federal Programs Unit

cc: Robert Isner, CT DEP  
David Erlinghauser, Zotos Safety Coordinator and Chemist  
Rushi Tasker, Zotos V.P. of Research and Development  
RCRA file